

Notice of Allowability

Application No.

09/761,384

Applicant(s)

DUPPSTADT, ARTHUR G.

Examiner

Jordan M. Schwartz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment received 9/22/03.
2. ☒ The allowed claim(s) is/are 5-9, 11, 14 and 16.
3. ☒ The drawings filed on 16 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☒ Interview Summary (PTO-413), Paper No. _____.
6 ☒ Examiner's Amendment/Comment
8 ☒ Examiner's Statement of Reasons for Allowance
9 ☐ Other

Allowed Claims: 5-9, 11, 14, and 16.

Examiner's Amendment/Reasons For Allowance

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arnold B. Silverman on October 8, 2003.

The application has been amended as follows:

1. Replace claim 5 in its entirety with the following claim 5:

5. A multifocal contact lens comprising:

a transparent lens body having an inner concave surface and an outer convex surface,

an aspheric portion structured to provide distant vision,

a spherical portion disposed radially adjacent to said aspheric portion structured to provide reading vision,

said aspheric portion disposed within the center of said lens,

said spherical portion being of annular shape and surrounding said aspheric portion,

said aspheric central portion and said annular spherical portion both formed within said inner concave surface, and

an annular radially outward portion of said aspheric portion abutting said annular spherical portion having substantially the same radius as said spherical portion.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with respect to independent claim 5, none of the prior art either alone or in combination disclose or teach of the claimed multifocal contact lens comprising an aspheric portion structured to provide distant vision, a spherical portion structured to provide reading vision, the spherical portion disposed radially adjacent the aspherical portion, the aspheric portion disposed within the center of the lens with the spherical portion of annular shape and surrounding the aspheric portion, the aspheric portion and spherical portion formed within the inner concave surface, and specifically further with an annular radially outward portion of the aspheric portion abutting the annular spherical portion and having substantially the same radius as the spherical portion. Specifically, with respect to independent claims 6-7, none of the prior art either alone or in combination disclose or teach of the claimed multifocal contact lens comprising an aspheric portion structured to provide distant vision, a spherical portion structured to provide reading vision, the spherical portion disposed radially adjacent the aspherical portion, the aspheric portion disposed within the center of the lens with the spherical portion of annular shape and surrounding the aspheric portion,

the aspheric portion and spherical portion formed within the inner concave surface, and specifically further with the aspherical central portion having a diameter as claimed or the annular spherical portion having a width as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (703) 308-1286. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (703) 308-4883. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jordan M. Schwartz
Primary Examiner
Art Unit 2873
October 10, 2003